

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

PEPO HERD EL,
A.K.A. PEPO WAMCHAWI HERD

Defendant

CRIMINAL No. 21-CR-10045-ADB

STATUS MEMORANDUM

The United States hereby submits this status memorandum in advance of the hearing scheduled for April 27, 2021, at 10:00 a.m.

On December 4, 2021, the Court ordered that a hearing be held to determine Defendant Herd El's competency to proceed. The Court further ordered that Herd El be examined by Dr. Julia Reade.

On March 11, 2021, Dr. Reade reported to the parties that there had been some obstacles to examining Mr. Herd El and asked that any records of his mental health treatment be released to her to inform her examination.

On March 15, 2021, the Court ordered that Mr. Herd El's medical records be produced to Dr. Reade and to the defense. On April 7, 2021, the Court followed with a written order naming various agencies and institutions that may have information on Mr. Herd El's medical treatment and describing the kinds of records these agencies should produce. Federal Bureau of Investigation agents served the order on all agencies on or before April 12, 2021. The government does not want or expect to receive copies of Mr. Herd El's medical records. However, to assist in the logistics of producing the documents to the court,

the defense, and Dr. Reade, agents have asked the agencies to inform when they make their productions to the court. Thus far, none have made such a notification, though at least two agencies have reported that they are gathering materials.

On March 15, 2021, the government also requested that the defendant be scheduled for arraignment. Mr. Herd El is scheduled to be arraigned on April 27, 2021. By April 12, 2021, the United States had produced about 1,658 pages and items of discovery and invited the defense to inspect physical items of evidence. On April 21, 2021, the United States produced an additional 11 pages and items. We believe this is the information required for automatic discovery but will continue to produce new information on a rolling basis. To date, the United States has not received any other requests for discovery. It does not believe a protective order is necessary at this time.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Amanda Beck
AMANDA BECK
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Amanda Beck
AMANDA BECK
Assistant United States Attorney

Date: April 26, 2021